

Remarks

In response to the Restriction Requirement dated December 16, 2005, Applicants, through and by their representative, elect with traverse the claims of Invention III, claims 20-29, drawn to a fixed tissue, for examination on the merits.

The claims of invention I, II, and V, claims 1-19 and 41-46 are hereby cancelled as being directed to a non-elected invention.

The claims of invention IV, claims 30-40 are hereby withdrawn from consideration as being directed to a non-elected invention.

Applicants respectfully request reconsideration of the restriction requirement in regard to the claims of invention III, claims 20-29, drawn to a fixed tissue, and the claims of invention IV, claims 30-40, drawn to a bioprosthesis comprising a fixed tissue and a support material. Applicants submit that these inventions are related as subcombination/combination inventions, and Applicants believe that simultaneous examination of both the subcombination claims and the combination claims would not pose a serious burden on the Examiner.

In the Office Action, the inventions of claims 20-29 were classified in class 435, subclass 395. The definition of this class/subclass is, "[s]olid support and method of culturing cells on said solid support." Applicants respectfully submit that the fixed tissues of claims 20-29 do not include any limitation to a solid support for the claimed fixed tissue.

In the Office Action, the inventions of claims 30-40 were classified in class 623, subclass 2.14. The definition of this class/subclass is a heart valve (subclass 2.1) wherein the artificial heart valve or device includes a closure member made of pliant material capable of flexing between open and closed positions (subclass 2.12), wherein the flexing closure member is made from a natural living tissue (subclass 2.13) and the flexing closure member is mounted on an elastic framework (subclass 2.14). While dependent claim 39 is directed to a bioprosthetic heart valve, this limitation is not found in the other claims of group IV. Moreover, the support material of claims 30-40 is not limited to an elastic support material, as is found in class 623, subclass 2.14.

Applicants respectfully request reconsideration of the restriction requirement with regard to claims 20-40 and further request examination on the merits of these claims.

Examiner Kumar is invited and encouraged to telephone the undersigned at her convenience should there be any questions with regard to this application.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully submitted,

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1/13/06

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